

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER NYGARD, NYGARD
INTERNATIONAL PARTNERSHIP, and
NYGARD INC.,

Plaintiffs,

- against -

JACKY JASPER and JOHN OR JANE
DOES 1-10,

Defendants.

ORDER

14 Civ. 1313 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiffs brought this action on February 27, 2014. (Cmplt. (Dkt. No. 2)) Since that time, Plaintiffs have been granted leave to file three amended complaints. (First Am. Cmplt. (Dkt. No. 28); Second Am. Cmplt. (Dkt. No. 29); Third Am. Cmplt. (Dkt. No. 38)) In the Third Amended Complaint, Plaintiff alleges that unidentified Defendant – “an individual with several aliases who is residing in the State of California” – has engaged in “malicious posting and dissemination of material over the Internet containing defamatory statements regarding Plaintiff Peter Nygard and the Entity Plaintiffs, unauthorized reproductions of Mr. Nygard’s name, image, and voice and unauthorized reproductions of federally registered trademarks owned by Plaintiff Nygard International Partnership and licensed and used by Nygard Inc., which is headquartered in New York.” (Third Am. Cmplt. (Dkt. No. 38) ¶¶ 4, 8)

Plaintiffs claim that the unidentified Defendant has posted “untrue allegations regarding Mr. Nygard’s private personal life,” *id.* ¶ 24, including allegations that Plaintiff “engag[es] in sexually repugnant activities in his personal life.” *Id.* ¶¶ 31, 34. Some of the alleged “salacious . . . content” on Defendant’s website – DiaryofAHollywoodStreetKing.com –

includes headlines such as “Fashion Tycoon Peter Nygard Paid \$10K [t]o Make Scat Video [] Go Away!”; “Peter Nygard’s Sadist Wrath Caught on Camera!”; “Suspected Peter Nygard Notes Point [t]o 2010 Death as MURDER!”; “Ex-Whore Wrangler Exposes Peter Nygard as a RACIST & SADIST!”; and “Peter Nygard’s Penis Pump Sex[c]apades w/ Mr. Rikk Exposed!” *Id.* ¶¶ 34, 36, 38-40 (emphasis in original).

The Third Amended Complaint alleges defamation and libel *per se*; trademark dilution in violation of 15 U.S.C. § 1125; trademark dilution in violation of New York General Business Law § 360-1; invasion of privacy in violation of New York Civil Rights Law §§ 50, 51; intentional infliction of emotional distress; cyberharassment in violation of New York Penal Law § 240.30; defamation and libel by implication; and injurious falsehood/trade libel. *Id.* ¶¶ 60-108.

Since this case was filed, numerous articles in prominent, nationally-distributed publications have reported allegations that Plaintiff Nygard engages in the type of behavior described on the DiaryofAHollywoodStreetKing.com website. *See* Timothy Sawa and Lynette Fortune, Canadian Woman Says Fashion Mogul Peter Nygard Drugged and Raped Her in Bahamas, CBC (May 7, 2020), available at <https://www.cbc.ca/news/world/peter-nygard-bahamas-rape-allegations-jane-doe-16-1.5560479>; Aisha Al-Muslim, Fashion Mogul Peter Nygard Business Properties to Be Sold, WALL ST. JOURNAL (Apr. 30, 2020), available at <https://www.wsj.com/articles/fashion-mogul-peter-nygard-business-properties-to-be-sold-11588276020>; James Crowley, Who is Peter Nygard and Why Does the Internet Want His Head?, NEWSWEEK (Mar. 19, 2020), available at <https://www.newsweek.com/who-peter-nygard-fashion-executive-sexual-assault-1493215>; Kim Barker, Catherine Porter, and Grace Ashford, How a Neighbors’ Feud in Paradise Launched an International Rape Case, N.Y. TIMES (Feb. 22, 2020), available at <https://www.nytimes.com/2020/02/22/world/americas/peter-nygard-louis->

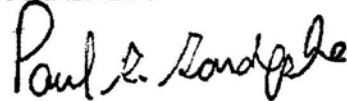
bacon.html. A “joint child exploitation task force” is allegedly investigating Plaintiff Nygard. See Kim Barker and Catherine Porter, Fashion Mogul Peter Nygard to Step Down Amid Federal Raids, N.Y. TIMES (Mar. 7, 2020), available at <https://www.nytimes.com/2020/02/25/us/peter-nygard-international-fbi-raid.html>. And a class action lawsuit has been filed in the Southern District of New York by women who allege that they were sexually assaulted by Plaintiff Nygard. See Does No. 1-10 v. Nygard, et al., 20 Civ. 1288 (ER).

Moreover, the unidentified Defendant has not appeared in the instant lawsuit and remains unidentified, and the DiaryofAHollywoodStreetKing.com website appears to be defunct. See DiaryofAHollywoodStreetKing.com (last accessed June 21, 2020).

Given these circumstances, Plaintiffs will submit a letter by June 29, 2020, addressing whether or not this case should be dismissed as moot.

Dated: New York, New York
June 22, 2020

SO ORDERED.



Paul G. Gardephe
United States District Judge